

## 8.2.4 UNINTENTIONAL FIREARMS DISCHARGE AND ANIMAL SHOOTINGS

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This section shall not apply to the discharging of a firearm for training or recreational purposes unless there is an injury to a person because of the firearm's discharge.

Any officer-involved, unintentional firearms discharge that results in a hit shooting to any person will be investigated per LBPD Manual § [8.2.3 INTENTIONAL FIREARMS DISCHARGE AND IN-CUSTODY DEATH INVESTIGATIONS](#).

If an officer is involved in an OIS where an animal is injured, the responding officer(s) shall notify Animal Control; if the animal's owner wants to transport the animal to a veterinarian, they may do so. An officer will respond to the veterinarian's office to preserve evidence. Additionally, a priority lab unit will be called to meet the officer at the veterinarian's office for photos, etc.

Under no circumstances will an officer give approval for a deceased animal to be destroyed (i.e., cremated) prior to the notification and approval of the Homicide Detail.

### 8.2.4.1 OFFICER RESPONSIBILITIES

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If an **ON-DUTY** officer has a no-hit unintentional shooting or intentionally discharges his or her firearm at an animal, as soon as circumstances permit, they shall verbally notify a field supervisor. The field supervisor shall verbally notify the Watch Commander.

If an **OFF-DUTY** officer has a no-hit unintentional shooting or intentionally discharges his or her firearm at an animal, as soon as circumstances permit, they shall verbally notify the Watch Commander.

### 8.2.4.2 FIELD SUPERVISOR RESPONSIBILITIES

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A field supervisor or designee will be the primary investigator and conduct the investigation into the incident unless Homicide personnel respond to oversee and direct the investigation. A crime scene log and a sketch are not needed unless, in the opinion of the handling supervisor, they will help the investigation and administrative review of the incident.

The field supervisor shall:

- 1) Obtain a public safety statement from the involved officer;

- 2) Determine if the officer wants to have a representative present for the walk-through and, if so, wait a reasonable amount of time for the representative before conducting the walk-through;
- 3) Account for all rounds fired and thoroughly investigate the path of the round(s) to ensure no injuries or property damage occurred;
- 4) Assign a peer officer to the involved officer;
- 5) Ensure all potential witnesses are interviewed;
- 6) Conduct a walk-through of the scene with the involved officer,
  - a) No notes shall be taken or tape recordings shall occur during the walk-through,
- 7) Ensure the lab responds and takes photographs of the scene and potential evidence, including photographs of the involved officer as they were dressed at the time of the incident;
- 8) Direct all officers to file their reports using the crime classification "officer involved shooting;"
- 9) Conduct a weapon inspection of the involved officer's firearm at the station:
  - a) The Supervisor will note in his or her report the number of rounds remaining in both the magazine and the chamber of the gun, and
  - b) Ensure photographs are taken of the firearm along with any magazine in the weapon if applicable;
- 10) Review all reports prior to submission to the Homicide Detail;
- 11) Forward all the original reports connected with the shooting to the Homicide Supervisor;
- 12) Complete the Officer Involved Shooting Field Supervisor's Report;
- 13) File an Unusual Occurrence Memorandum;
- 14) If the incident involved an unintentional discharge and the officer indicates the unintentional discharge might be a result of a weapon malfunction, the Patrol Supervisor shall place the weapon into Property; otherwise, after the weapon has been photographed, it may be returned to the officer;
- 15) Issue the involved officer(s) a written order to report to the range per LBPD Manual § [8.2.4.10 POST UNINTENTIONAL DISCHARGE SHOOTING COURSE AND TRAINING](#);
- 16) Not make an entry into the Department's Use of Force database system for the firearm discharge.

#### **8.2.4.3 INVOLVED OFFICER STATEMENT**

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Refer to LBPD Manual § [8.2.3.6 INVOLVED OFFICER STATEMENT](#).

#### **8.2.4.4 HOMICIDE SUPERVISOR RESPONSIBILITIES**

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The Homicide Supervisor shall do the following:

- 1) Notify the Homicide Lieutenant or, in his or her absence, the GVC Division Commander;
- 2) Respond to the scene and oversee the investigation;
- 3) Determine if a Homicide team is necessary;
- 4) Assist patrol in the handling of the investigation;
- 5) If misconduct is suspected, notify the GVC Division Commander or the Deputy Chief of the Investigations Bureau who will assist in determining Internal Affairs' response;
- 6) Prepare a Critical Incident Debrief per LBPD Manual § [7.5.2.4 INCIDENT DEBRIEFING](#);
- 7) Complete an entry into the Department Use of Force database system for the firearm discharge.

#### **8.2.4.5 WATCH COMMANDER RESPONSIBILITIES**

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The Watch Commander, when feasible, will respond to the scene, and shall make all appropriate notifications.

#### **8.2.4.6 INTERNAL AFFAIRS**

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If Internal Affairs responds to the scene based on alleged misconduct, they will follow their normal investigative and review procedures. The Internal Affairs investigation will follow the Homicide investigation, or will happen concurrently; however, the Internal Affairs' investigation shall not interfere with the Homicide investigation.

#### **8.2.4.7 DEPARTMENT PSYCHOLOGIST**

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While not required, the Department reserves the right to refer an employee to the Department Psychologist. When an employee is referred to the Department Psychologist, refer to LBPD Manual § [8.1.3.11 DEPARTMENT PSYCHOLOGIST](#) for further.

#### **8.2.4.8 EMPLOYEE ASSOCIATION REPRESENTATIVE OR ATTORNEY**

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Refer to Manual section [8.1.3.12 EMPLOYEE ASSOCIATION REPRESENTATIVE OR ATTORNEY](#) for further.

#### **8.2.4.9 NO-HIT UNINTENTIONAL DISCHARGE – ANIMAL SHOOTING REVIEW**

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In general, there will not be a shooting review board for a no-hit, unintentional discharge or animal shooting unless, based on the totality of the circumstances, the Chief of Police deems one is necessary. In those cases, the Homicide Supervisor will ensure the procedures outlined in Manual section [8.1.3.6 INVOLVED OFFICER STATEMENT](#) are followed.

The Homicide Supervisor will complete the No-Hit Unintentional Discharge / Animal Shooting Review Form and forward the entire package to the Homicide Lieutenant.

All no-hit, unintentional discharges and animal shootings will be reviewed through an administrative process. The following personnel will review the shooting:

- 1) Officer's Division Commander;
- 2) Officer's Deputy Chief; and
- 3) Deputy Chief of the Support Bureau
  - If the involved officer is assigned to the Support Bureau, then the Deputy Chief of the Investigations or Patrol Bureau will conduct the review.

Each reviewer will determine if the incident is in-policy or out-of-policy and if it was intentional or unintentional. Each reviewer will make an independent determination and sign the review form. The last reviewer will then return the entire package to the Homicide Detail.

Homicide will take the final package to the Chief of Police for review, additional comments, recommendations and signature.

#### **8.2.4.10 POST UNINTENTIONAL DISCHARGE SHOOTING COURSE AND TRAINING**

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If an officer has an unintentional discharge, the officer will be required to attend mandatory training at the Police Pistol Range (Range) prior to returning to work. If the weapon was taken as evidence, a Homicide Supervisor will schedule the training when the weapon is available.

The supervisor in charge of the investigation will give the officer a written order directing them to report to the Range on the employee's next workday where the Range is open, or as soon as practical. An officer will be assigned to administrative duties and will not be permitted to work in a field assignment which could require contact with the public for law enforcement purposes until they receive the training

and after the Critical Incident Debrief is concluded. This order shall be given before the officer leaves work on the day of the incident.

The supervisor providing the written order will ensure the Range staff is notified before the officer reports for training. The supervisor will advise the Range staff of the circumstances of the incident and any specific training needs.

The Range staff will be responsible for conducting the training and filing a memorandum documenting that the training has occurred. The memorandum will be forwarded to the Homicide Supervisor.

During the Critical Incident Debrief, the Chief of Police will make a determination as to the duty status of the involved officer(s) and whether they can return to field duty, per LBPD Manual § [7.5.2.5 CRITICAL INCIDENT DEBRIEF COMMITTEE](#).

#### **8.2.4.11 UNINTENTIONAL DISCHARGE – NON-POLICE DEPARTMENT EMPLOYEES**

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If the employee involved in the unintentional discharge is not a Police Department employee, and the other City department agrees to have the Police Department conduct the review of the incident, the following personnel will review the shooting:

- 1) Employee's Administrative Officer or Division Head;
- 2) Employee's Bureau Manager; and
- 3) Deputy Chief of the Support Bureau
  - If the involved officer is assigned to the Support Bureau, the Chairperson of the Board shall be the Deputy Chief of the Investigations or Patrol Bureau.

Each reviewer will determine if the incident is in-policy, or out-of-policy and if it was intentional or unintentional. Each reviewer will make an independent determination and sign the review form. The last reviewer will then return the entire package to the Homicide Detail.

Homicide will take the final package to the Chief of Police who will provide his or her recommendations and whether or not he or she concurs with the reviewer's recommendations.

The involved employee's Department Head will then review the case for additional comments, recommendations, and signature.